



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street, Third Floor
New York, New York 10007

July 8, 2015

BY ECF

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *U.S. ex rel. Kester v. Novartis Pharmaceuticals Corp.*, 11 Civ. 8196 (CM) (JCF)

Dear Judge McMahon:

This Office represents the United States (the “Government”) in the above-referenced civil fraud action. As the Court is aware, the parties exchanged expert reports on June 19 in accordance with the schedule so-ordered on May 12, 2015. Since then, the parties have engaged in discussions about exchange of rebuttal reports and the scheduling of expert depositions.

Based on those discussions, and to accommodate the experts’ schedules and work demands, we write respectfully, on behalf of plaintiffs, to request two adjustments to the expert discovery schedule — first, we respectfully request that the Court extend the due date for exchanging rebuttal reports on non-clinical issues from July 14 to July 28 (the parties will exchange rebuttal reports on clinical issues on July 14); second, we respectfully request that the Court extend the date for completing expert depositions from July 31 to August 21. Novartis is prepared to file all its rebuttal reports on July 14, but does not oppose plaintiffs’ requests. Further, granting these requests will not affect the trial date, as the parties have filed the final joint pre-trial order and their proposed jury instructions, proposed specialty verdict forms, and proposed *voir dire* questions.

We thank the Court for its consideration of these requests.

Respectfully,

PREET BHARARA
United States Attorney

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